

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MISSOURI
AT KANSAS CITY

IN RE:

ANTHONY WAYNE BARNHART, JR.

Debtor.

ANTHONY WAYNE BARNHART, JR.

Plaintiff,

vs.

US Department of Education,
American Education Services,
Sallie Mae,
NELNET,
MOHEALA,
ECMC
Metropolitan Community College

US DEPT OF EDUCATION,
To be served at:
Office of the Secretary
Room 4181 Fed Office Bldg 6
400 Maryland Avenue SW
Washington DC 20202-0100

American Education Services,
To be served at:
PO Box 2461
Harrisburg, PA 17105
Registered Agent:
CT Corporation System
120 South Central Avenue
Clayton MO 63015

Owners:

Penn Higher Education,
1200 N 7th
Harrisburg, PA 17102

Sallie Mae, Inc.,
To be served at:
220 Lasley Avenue
Wilkes Barre, PA 18706
Registered Agent:
CT Corporation System
120 South Central Avenue
Clayton MO 63015

NELNET,
To be served at:

Case No. 10-45064-ABF-7

Adversary No. _____

PO Box 82561)

Registered Agent:)
CSC Lawyers Incorporating)
Servicing Company,)
221 Bolivar)
Jefferson City MO 65101)
)

MOHEALA,)
To be served at:)
633 Spirit Drive,)
Chesterfield, MO 63005)
)

Metropolitan Community College,)
To be served at:)
National Recoveries Inc.)
3200 Broadway,)
Kansas City MO 64111)
)

Defendants.)

PLAINTIFF'S COMPLAINT TO DETERMINE DISCHARGEABILITY

COMES NOW, Plaintiff, Anthony Wayne Barnhart, Jr. [hereinafter "Plaintiff"], by and through his attorney, Jeannie M Bobrink, and for his Complaint to Determine Dischargeability against Defendants, US Department of Education, American Education Services, Sallie Mae,Nelnet, MOHEALA, and Metropolitan Community College states as follows:

1. That this adversary proceeding is being brought in connection with Plaintiff's bankruptcy action, filed on September 21, 2010, under Chapter 7 of Title 11 of the United States Bankruptcy Code, Case No. 10-45064-abf-7.
2. That this Court has jurisdiction over this adversary proceeding pursuant to 28 USC Section 157 and 1334.
3. That this adversary proceeding is being brought pursuant to FRBP 7001 et seq and 11 USC Section 523(a)(8).
4. That this is a core proceeding under 28 USC Section 157(b)(2)(I).
5. That venue is appropriate in this Court under 28 USC 1409(a).
6. That Plaintiff is an adult resident of Clay County, Missouri, and resides at 3401 NE 79th Street, Kansas City Missouri and on September 21, 2010 Plaintiff filed his petition for relief under Chapter 7 of the US Bankruptcy Code in this Court.

7. That on information and belief, Defendant, US Department of Education is a department of the government of the United States of America, whose business is the administration of various student loan and educational programs.
8. That on information and belief, Defendant, US Department of Education may be served at the Office of the Secretary, Room 4181 Fed Office Bldg 6, 400 Maryland Avenue SW, Washington DC 20202-0100; US Department of Education 50 United Nations Plaza, San Francisco, CA 94101; and the office of the United States Attorney, 400 East 9th Street, Kansas City, Missouri 64106.
9. That Defendant holds claims against Plaintiff in the approximate sum of \$unknowm.
10. On information and belief, Defendant, American Education Services may be served at PO Box 2461, Harrisburg, PA 17105, and at It's Registered Agent, CT Corporation System, 120 South Central Avenue, Clayton, MO 63015, and It's parent company, Penn Higher Education, 1200 N 7th, Harrisburg, PA 17102 .
11. That defendant holds claims against Plaintiff in the approximate sum of \$9,660.82.
12. On information and belief, Defendant, Sallie Mae, Inc, may be served at 220 Lasley Avenue, Wilkes Barre, PA 18706 and the registered agent at CT Corporation Systems, 120 South Central Avenue, Clayton MO 63015.
13. Defendant holds claims against Plaintiff in the approximate sum of \$50,644.72.
14. On information and belief, Defendant, Nelnet, may be served at PO Box 82561, Lincoln, NE 68501.
15. Defendants holds claims against Plaintiff in the approximate sum of \$1,662.18
16. On information and belief, Defendant, MOHEALA, may be served at 633 Spirit Drive, Chesterfield, MO 63005.
17. Defendants holds claims against Plaintiff in the approximate sum of \$61,295.45.
18. On information and belief, Defendant Metropolitan Community College, may be served at National Recoveries Inc. at 3200 Broadway, Kansas City MO 64111.
19. Defendants holds claims against Plaintiff in the approximate sum of \$391.46.
20. That Plaintiff believes Defendants are the holders of all student loans against the Plaintiff.

21. That at all times relevant to this action were unsecured nonpriority creditors of the Plaintiff.
22. That the loan[s] became due and owing less than seven (7) years before the date of the filing of the petition; and are thus excepted from discharge under 11 U.S.C.8523(a)(8).
The loans being incurred from 2004 to 2008.
23. That requiring the Plaintiff to make repayments on the loans will impose an undue hardship on the Plaintiff and thus, the debts should not be excepted from discharge.
24. That Plaintiff received an associates degree and no other degrees as a result of these student loans as each was taken out while Plaintiff attended a community college
25. That upon information and belief ECMC may control or now possess several of these accounts and they will also be served with this Complaint.

WHEREFORE, Plaintiff requests an Order from the Court declaring that the Plaintiff's debts to the Defendants are not excepted from discharge by operation of 11 U.S.C. 8523(a)(8) and for such other and further relief as the Court deems just and equitable under the circumstances.

Respectfully submitted,

/s/Jeannie M Bobrink
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(816) 455-6597 (fax)

Attorney for Plaintiff